



State of New Jersey
DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

www.nj.gov/health

MARY E. O'DOWD, M.P.H.
Commissioner

December 18, 2013

Mr. Felipe Barruos

Re: Notice of Summary Suspension:
EMT-Basic Certification # 557950
Investigation Control # 2013-375

Dear Mr. Barruos:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of *N.J.S.A. 26:2H-1 et seq., Health Care Facilities Planning Act*, which was enacted, in part, to ensure that all hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at *N.J.S.A. 26:2H-2b*, health care services include any pre-hospital care rendered by basic life support (BLS) personnel. In addition, *N.J.S.A. 26:2K-7 et seq., Emergency Medical Services Act* authorizes the Department to certify Emergency Medical Technician-Basics (EMT-B). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMT-B and EMT-B candidates. (See: *N.J.A.C. 8:40A-1.1 Emergency Medical Technicians-Basics: Training and Certification*.)

On August 2, 2013, the Department's Office of Emergency Medical Services (OEMS) received an anonymous complaint that you were stealing money from patients while employed at MEDEX Transportation. Consistent with regulatory authority and OEMS policy, an investigation was opened to determine the validity of the allegation. OEMS contacted MEDEX Transportation. MEDEX Transportation advised OEMS that you were relieved of duty for theft from four patients during your employment as an emergency medical technician (EMT). In addition, OEMS contacted your previous employers and found two other reported instances of theft that occurred while you were employed with Courtesy Medical Transportation and ABBA Medical Transportation. OEMS conducted interviews with the patients both in person and over the telephone. These interviews were recorded electronically.

On August, 12, 2013, OEMS investigators met with Patient 1, a patient you transported while working at MEDEX Transportation. Patient 1 recounted that was a five gallon glass jug full of coins and bills that were collected over the past 38 years. Patient 1 stated that once you learned about the coins and their value, you appeared to become very interested and anxious to gain possession of them. You told Patient 1 you knew someone that would be able to appraise and sort through the dates of the coins.

Patient 1 stated you arrived at the house after work, emptied the coins into "Shop Rite bags" and placed them into your vehicle. It's reported that you came back the next day and told Patient 1 there was only \$250 worth of coins in the jug. You advised that you would give the patient the \$250 once you were paid that Friday. However, after several weeks, you failed to provide Patient 1 with any money. When Patient 1 confronted you regarding the jug of coins and bills, you advised it was only worth \$200.35. When asked what had been done with the coins, you stated you took them to a supermarket and placed them into a coin counter. At no point did you provide Patient 1 with any monies for the coins and at no point did Patient 1 give you permission to keep any of the money.

Patient 1 also recounted a situation where you were asking about a framed picture of Babe Ruth and Joe DiMaggio that was in gold leaf. It is reported that you were asking on a constant basis as to whether the gold was real or not. Patient 1 stated that it was. Patient 1 reports you were given the picture because of the constant questioning. However, once you realized the picture was not pure gold, your MEDEX Transportation partner, Heidi Rappl, accounted you were going to throw the picture out the ambulance window. Your partner advised against this and stated that she would return the picture to Patient 1, which she did.

On August 13, 2013, OEMS investigators met with Patient 2, a patient you transported while employed at ABBA Medical Transportation. Patient 2 reported that you stated you could obtain electronics at a discounted price from a contact you had in New York. Patient 2 was interested in purchasing several electronic items for which you were given money. Specifically, Patient 2 gave you money for a camera, a Global Positioning System (GPS) unit, and other assorted electronic items. It is reported you came back multiple times and changed the price of the electronic items. You advised Patient 2 you had certain items at your house and would drop them off when you had a chance. To date, you neither provided Patient 2 with any electronic items for which you were given money nor have you returned any money.

Patient 2 also reports an incident where you needed gas money. Patient 2 advised you to take \$20 out of a wallet. You went into the wallet and removed some cash. However, when Patient 2 looked later, there was \$100 missing. Patient 2 reports that you promised to pay the money back, but to date, you never have. Patient 2 reports you were given a total of \$1200.

Also, on August 13, 2013, OEMS investigators spoke with Patient 3, a patient you transported while employed at MEDEX Transportation. Patient 3 recounted you arrived on the last two Sundays in July of 2013 to "go to church" even though Patient 3 reports not being a church goer. Instead, on the first excursion, you took Patient 3 to 7-11® for cigarettes and donuts. The next Sunday you took Patient 3 shopping. During the second trip, it's reported you were going through the patient's personal belongings, taking money out and paying for merchandise. At no time did Patient 3 ask you, or give you permission to go into any personal belongings. Patient 3 started the shopping trip with \$760 and purchased \$100 worth of merchandise. Upon returning from the shopping trip, Patient 3 noticed there was only had \$300 left. Since this incident, you had a phone conversation with Patient 3 where arrangements for repayment were made. To date, you have not provided any repayment or retribution for the money taken.

As you know, EMT-Basics work in regulated unsupervised two-person teams to respond effectively to emergencies. The nature of this work requires that these individuals make important medical assessments and carry out appropriate pre-hospital interventions at motor vehicle accidents, in people's homes and at other difficult field locations. In order to be

effective, EMT-Basics must unconditionally trust each other and be incontestably trusted by EMT-Paramedics, police officers, fire fighters, doctors and other professionals. Because EMT-Basics treat vulnerable patients of all ages, from infants to the elderly, they are required to comply with regulatory standards to assure the health, safety and welfare of the patients they treat.

N.J.A.C. 8:40A-10.2(a) states: "The Commissioner, or his/her designee, may summarily suspend a person's EMT-Basic and/or EMT-Instructor certification when, in his/her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare."

On December 17, 2013, you were indicted by a jury of your peers for two counts of third degree theft by deception (2C:20-2) and one count of fourth degree theft by unlawful taking (2C:20-3).

Because of the seriousness of the crimes with which you have been indicted, the Department finds that your continued certification as an EMT-Basic constitutes an immediate and serious threat to the health, safety, and welfare of the public. **Therefore, your certification as an EMT-Basic is immediately suspended and shall remain suspended indefinitely.**

Be aware that you may not under any circumstances act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension. Also, be aware that if you act in the capacity of, or perform the duties of an EMT-Basic in New Jersey during this period of suspension, your actions will constitute impersonation of an EMT-Basic in violation of N.J.A.C. 8:40A-10.4 and shall incur further penalties.

In accordance with N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT-Basic certification card(s) to the OEMS, either by U.S. mail to the address on the first page of this Notice or by physical delivery to the Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

In the interim, the OEMS will continue to investigate this matter. You will be notified when the OEMS has completed its investigation at which time you will be advised of what action(s), if any, will be taken with respect to your EMT-Basic certification.

Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department of Health for a hearing before the Office of Administrative Law to contest this summary suspension. If the summary suspension is upheld at the Office of Administrative Law, you may apply for injunctive relief in New Jersey Superior Court. Your request for an administrative hearing regarding this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include control number **2013-375** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Tami Roach

Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision, thereby negating any further appeal rights. If you have any questions concerning this matter, please contact Dr. Jo-Bea Sciarrotta, OEMS Compliance Officer, at (609) 633-7777.

Sincerely,

Nancy Kelly-Goodstein, M.D.
Acting Director
Emergency Medical Services

- c. Christopher Rinn, Assistant Commissioner
Donald Roberts, OEMS
James Sweeney, OEMS
Tami Roach, OL&RC

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7011 1570 0003 3723 8134
RETURN RECEIPT REQUESTED